

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: _____		2 Serial/Patent # _____ 10735608									
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No Fee Due (Explanation): x											
matter moot											
11 REFUND REQUESTED BY: _____											
TYPED/PRINTED NAME: _____ jgillon		TITLE: _____ atty									
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APPROVED:		DATE: <u>06/16/10</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bruchez et al.	)	Examiner: Jung, Unsu
	)	
Serial No.: 10/735,608	)	Group Art Unit: 1641
	)	
Filed: December 12, 2003	)	Confirmation No.: 1956
	)	
For: <b>METHOD FOR ENHANCING TRANSPORT OF SEMICONDUCTOR NANOCRYSTALS ACROSS BIOLOGICAL MEMBRANES</b>	)	Docket No.: IVGN 620.2 CIP
	)	

**RENEWED PETITION UNDER 37 CFR § 1.181**

**Mail Stop Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Adjustment date: 06/16/2010 GARIAS  
05/04/2010 INTERSU 00003136 503994 10735600  
01 FC:1453 1620.00 CR

Sir:

This is in response to the decision on the petition filed on January 29, 2010, requesting withdrawal of the holding of abandonment under 37 CFR § 1.181(a) and is submitted within two (2) months of the decision mailed March 29, 2010. Accordingly, this petition is timely filed.

The Renewed Petition under 37 CFR § 1.181 is being filed together with a Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b). Applicants respectfully request that the Petition Under 37 CFR 1.137 (b) be considered in the event that the Renewed Petition Under 37 CFR 1.181 is dismissed. Further, a Notice of Appeal is being filed with this paper as a precautionary measure should the Office decide to only grant the Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b). Accordingly, Applicants submit herewith:

1. Form PTO/SB/64, "Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b)"; and a
2. Form PTO/SB/31, "Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences."

Applicants believe that the Renewed Petition Under 37 CFR § 1.181 does not require a fee. If needed, the Commissioner is authorized to charge the fee for Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b) (\$ 1620), the Notice of Appeal (\$ 540) and any further fees due for the filing or credit any overpayment associated

with this or any other filing to Applicants' **Deposit Account No. 50-3994**.

In the event that additional fees or extensions of time are required, Applicants herein petition for the necessary extension of time under 37 C.F.R. § 1.136(a) and authorize the Commissioner to charge these fees or credit any overpayment associated with this or any other filing to Applicants' deposit account. This is not an authorization to pay the issue fee.

Upon grant of the Renewed Petition Under CFR § 1.181, Applicants respectfully request withdrawal of the Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b) and a refund of the fees associated with the petition filing, the Notice of Appeal, and any extension of time fees.

Applicants respectfully request consideration of the Renewed Petition in view of the following remarks and enclosures.

shown in Exhibit B is "*that for the firm*" and is of "*sufficient reliability*" pursuant to the guidance in the Commentary at MPEP §711.03 (c)(I). The docket report for September 10, 2009, does not show an entry for filing of a Response to Final Office Action in the instant application. Despite the fact that the instant Office Action was never received by Applicants or the agent of record, and in an abundance of caution, Petitioner has reviewed the files for all applications listed on the master docket report for September 10, 2009 and confirms that the instant non-received Office Action was not *misfiled*.

The foregoing provides evidence that the Final Office Action mailed June 10, 2009, was not received by the Applicants and that the Applicants' agent was not notified of receipt of the Final Office Action or made aware of the due date for filing a response to the Office Action. The instant Petition provides the required showing and evidence pursuant to the guidance in the Commentary at MPEP §711.03 (c)(I). Further, the instant Petition addresses each of the objections mentioned on page 2 of the decision. Accordingly, Applicants respectfully request that this application be withdrawn from abandonment and the non-received Office Action re-issued.

In the event that the Office refuses to grant the instant petition, Petitioner respectfully requests that the "Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b), filed herewith, be considered and granted.

Respectfully submitted,

Date: May 3, 2010

/Karen B. Geahigan/  
Karen Geahigan, Reg. No. 52,936

Enclosures:

- (1) Exhibit A: Electronic file record
- (2) Exhibit B: Docket report for September 10, 2009

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